



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : James W. Baumgartner et al.
Serial No. : 09/090,867
Filed : June 4, 1998
For : TESTIS-SPECIFIC RECEPTOR

Examiner : Lazar-Wesley, E.

Art Unit : 1646

Docket No.: 95-33D1

Date : July 29, 1999

Assistant Commissioner for Patents
Washington, D.C. 20231

Declaration of Gary E. Parker

Sir:

I, Gary E. Parker, do hereby declare as follows:

1. I am currently employed by ZymoGenetics, Inc., the assignee of the above-identified patent application, as a Principal Patent Agent.

2. I drafted and filed the above-named patent application, as well as provisional patent application Serial No. 60/013,345, filed March 13, 1996 ("the Provisional Application") and patent application Serial No. 08/815,773, filed March 12, 1997 ("the Parent Application") from which the above-identified application claims priority.

3. I have read the Office Action mailed February 3, 1999 in the above-identified application, including the rejection under 35 U.S.C. § 102(e) over Collins et al., U.S. Patent No. 5,710,023.

4. I have reviewed my records and readily conclude that I began the preparation of the Provisional Application prior to March 1, 1996, the filing date of the Collins et al. patent. I also readily conclude that I

worked diligently to complete and file the Provisional Application from a time prior to March 1, 1996 until the March 13, 1996 filing date.

5. Attached hereto as Exhibit 1 are copies of pages from a notebook that I keep in the normal course of my work. Work unrelated to the preparation of the Provisional Application has been redacted from these copies. The Provisional Application is referred to in these notes by our internal docket number, 95-33. As shown on pages 65-67 of the notebook, I revised the draft application on Thursday, February 29; Monday, March 4; Tuesday, March 5; Wednesday, March 6; Thursday, March 7; Tuesday, March 12; and Wednesday, March 13. In addition, on March 11 I received comments from inventor Theresa M. Farrah on a draft of the application, and spoke to inventor Frank J. Grant about the sequences disclosed in the Provisional Application.

6. Attached hereto as Exhibit 2 is a copy of a memo, dated March 6, 1996, written by me to Amy Toman, an Administrative Assistant at ZymoGenetics who was responsible for the preparation of Sequence Listings. The memo identifies the sequences that were to be included in the Sequence Listing for the Provisional Application.



Gary E. Parker

Reg. No. 31,648

July 29, 1999

Date

EXHIBIT 1

2/22/96

2/26

2/27

2/28

2/29

Revised 95-33 draft

2/29/96 (contin)

3/4/96 Revised 95-33 draft

Talked to Jamie re 95-33 & made add'l revisions

3/5 Revised 95-33 draft

3/6 Revised 95-33 draft; had several discussions w/ Jamie; talked to Don F. re inventorship

3/7 More revisions to 95-33

Talked to Frank, Donna, Cameron re 95-33 inventorship

Got information from Cameron re Zcyter 2-19 & fusion; wrote up add'l example

3/8/96

3/11 Talked to Frank re 95-33 sequences

Read 95-33 comments from Terry

3/12

Revised 95-33 draft

m

3/13

Revised & Filed 95-33

EXHIBIT 2

March 6, 1996

Amy,

The sequences for 95-33 are:

- 1 human Zcytor2 cDNA isolated from placenta (Tina)
- 2 protein sequence from #1
- 3 human Zcytor2 cDNA isolated from testis (Jamie)
- 4 protein sequence from #3
- 5 Trp Ser X Trp Ser (X=any amino acid)
- 6 Macaque Zcytor2 cDNA
- 7 protein sequence from #6
- 8 ZG9801
- 9 ZG9941
- 10 ZG9803
- 11 ZG9937
- 12 ZG9800
- 13 ZG9802
- 14 AP1
- 15 AP2
- 16 ZG9850
- 17 ZG9851
- 18 ZG9852
- 19 ZG9919
- 20 ZG10317
- 21 ZG10319
- 22 ZG9820
- 23 ZG9806
- 24 ZG10320
- 25 ZG10318
- 26 ZG9882
- 27 ZG10082
- 28 ZG10083
- 29 ZG10081
- 30 ZG9881
- 31 ZG 10389
- 32 ZG 10314
- 33 ZG 10315